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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,397	04/02/2001	Toshio Horiki	MTS-3247US	8819

7590 01/26/2005

RATNER AND PRESTIA  
Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge, PA 19482-0980

EXAMINER
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JORGENSEN, LELAND R

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/824,397

Applicant(s)

HORIKI, TOSHIO

Examiner

Leland R. Jorgensen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26 - 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 - 37 and 39 is/are allowed.
- 6) ☒ Claim(s) 38 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Dunton, et al., USPN 6,690,357 B1.

### **Claim 36**

Dunton teaches an electric device having a camera [scanning sensors 14 and 16 which may be a digital camera] and a display 18. Dunton, col. 2, lines 34 – 46; and figure 2. Dunton teaches that the electronic device may include a telephone. Dunton, col. 6, lines 11 – 13.

Dunton teaches storing as a control input a sequential change, first (i) of a first object forming a pattern, and then second (ii) of a second object forming a pattern. The second pattern is different from the first pattern. Dunton, col. 5, lines 4 – 28; and figure 7.

Dunton teaches imaging, by the camera, the first pattern; imaging, by the camera, the second pattern; recognizing the first pattern imaged in step (b); recognizing the second pattern imaged in step (c); comparing a sequential change of first step (d) and then second step (e) to the stored control input; and (g) controlling the information on the display, after the comparing of step (f). Dunton, col. 4, line 3 – line 5, col. 3; and figure 6.

***Claim Rejections - 35 USC § 103***

3. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al. in view of Gale et al., USPN 6,452,577 B1.

**Claim 40**

Dunton teaches visually observing both the cursor and a hand/finger forming the first pattern and the second pattern, and moving both the cursor and the hand/finger imaged on the display to control the information on the. Dunton, col. 4, lines 32 – 65; col. 5, lines 30 – 56; and figure 6.

Dunton does not teach that the display step prescribes information on a projection microdisplay.

Gale teaches a projection microdisplay. Gale, col. 1, lines 12 – 16; col. 2, lines 60 – 67; and figure 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the projection microdisplay as taught by Gale with the information display method of Sigel to provide a small sized information display on a hand held device having an image that can be readily viewed by the user. Gale invites such combination by teaching,

This invention is a device for displaying information from a microdisplay in an enlarged format. It is recognized that microdisplays can be used in hand-held devices such as pagers, video and digital cameras, cellular telephones, and card readers. The user holds the system in proximity to their eye such that they view the microdisplay through an optical system which magnifies the image on the microdisplay. Small area displays can be made using different technologies including transmission or reflective liquid crystal displays, light emitting diode (LED) array displays, electroluminescent displays, digital micro-mirror displays and field emission displays.

It is a desire to have an image which is viewable by a user at a distance greater than a few inches from the device containing an electronic display. The

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present invention produces a magnified image from a small area display that is directed along an optical path to viewing surface optical elements readable at a greater distance.

Gale, col. 1, lines 12 – 31.

***Allowable Subject Matter***

4. Claims 26 – 37 and 39 are allowed.
5. Applicant amended independent claims 26 and 36 to include the following limitation.
  - (h) positioning the display between an eye of a user and a hand of the user;
  - (i) viewing the at least one finger of the hand on the display, while forming the first and second hand patterns; and
  - (j) visually aligning the eye of the user, the display and the first and second hand patterns.

This limitation is shown in figure 8 of the specifications. None of the prior art cited nor a further search by examiner has taught these limitations. The other allowed claims depend either on claim 26 or claim 36.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Trajkovic, USPN 6,531,999 B1; Gutta et al, USPN 6,600,475 B2; Pryor et al., USPN 6,720,949 B1; Johnston et al, USPN 6,591,531 B1; Kirlpatrick et al, US 2002/0126090 A1; and Rafii et al., 2002/0140633 A1; each teach gesture based input devices.

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leland R. Jorgensen whose telephone number is 703-305-2650 (or 571-272-7768 after March 2005). The examiner can normally be reached on Monday through Friday, 10:00 am through 6:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DENNIS-DOON CHOW  
PATENT EXAMINER